

1 KENNETH R. O'BRIEN, Bar No. 072128  
E-mail: [kobrien@littler.com](mailto:kobrien@littler.com)  
2 LITTLER MENDELSON  
A Professional Corporation  
3 2520 Venture Oaks Way, Suite 390  
Sacramento, CA 95833.4227  
4 Telephone: 916.830.7200  
Facsimile: 916.561.0828

5 DENISE M. VISCONTI, Bar No. 214168  
E-mail: [dvisconti@littler.com](mailto:dvisconti@littler.com)  
6 LITTLER MENDELSON  
A Professional Corporation  
7 501 W. Broadway, Suite 900  
San Diego, CA 92101.3577  
8 Telephone: 619.232.0441  
9 Facsimile: 619.232.4302

10 Attorneys for Defendant  
AMERICAN AIRLINES, INC.

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 EDWARD E. ANDERSON,  
16 Plaintiff,

17 v.

18 AMR The parent of AMERICAN  
AIRLINES INC, AMERICAN AIRLINES,  
19 and DOES 1 through 5 INCLUSIVE,

20 Defendants.

Case No. 07-cv-3527 WHA

**DECLARATION OF KENNETH R.  
O'BRIEN IN SUPPORT OF  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT AND/OR  
SUMMARY ADJUDICATION OF CLAIMS  
AND OR JUDGMENT ON THE  
PLEADINGS**

21 Date: May 29, 2008  
22 Time: 8:00 a.m.  
23 Ctrm: 9  
24 Judge: Hon. William Alsup

25  
26 I, KENNETH R. O'BRIEN, do hereby declare:

27 1. I have personal knowledge of the facts set forth in this declaration and, if  
28 called upon to do so, could and would testify competently thereto.

2. I am the attorney of record for American Airlines, Inc., defendant herein.

3. I took the deposition of Plaintiff on January 8, 2008.

4. True and correct copies of the pages of Plaintiff's deposition to which Defendant's Motion for Summary Judgment refers are attached hereto as Exhibit A.

5. The motion for summary judgment refers to Exhibit 2 to Plaintiff's deposition. A true and correct copy of that Exhibit is attached hereto as Exhibit B.

6. The motion for summary judgment refers to the fact that when Plaintiff served Defendant American's Agent for Service of Process, only American Airlines was served with summons and process. Attached hereto is a true and correct copy of the Summons indicating service only on American is Attached hereto as Exhibit C.

7. Plaintiff filed his Administrative Charge of Discrimination with the California Department of Fair Employment & Housing on January 24, 2006, a true and correct copy of which is attached hereto as Exhibit D.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct and that this Declaration was executed this 24<sup>th</sup> day of April, 2008, at Sacramento, California.

/s/ \_\_\_\_\_  
KENNETH R. O'BRIEN

## **EXHIBIT “A”**

JAN 25 2008

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

EDWARD E. ANDERSON,

Plaintiff,

vs.

No. 07-CV-3527 WHA

AMR, The Parent of AMERICAN  
AIRLINES, INC; AMERICAN AIRLINES,  
and DOES 1 through 5, inclusive,

Defendants.

CERTIFIED  
COPY

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DEPOSITION OF EDWARD E. ANDERSON

San Francisco, California

Tuesday, January 8, 2008

REPORTED BY:  
LYNNE LEDANOIS  
CSR No. 6811

Job No. 79526

1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken  
4 before me at the time and place herein set forth; that  
5 any witnesses in the foregoing proceedings, prior to  
6 testifying, were duly sworn; that a record of the  
7 proceedings was made by me using machine shorthand  
8 which was thereafter transcribed under my direction;  
9 that the foregoing transcript is a true record of the  
10 testimony given.


11 Further, that if the foregoing pertains to  
12 the original transcript of a deposition in a Federal  
13 Case, before completion of the proceedings, review of  
14 the transcript [ ] was [ ] was not requested.

15 I further certify I am neither financially  
16 interested in the action nor a relative or employee  
17 of any attorney or party to this action.

18 IN WITNESS WHEREOF, I have this date  
19 subscribed my name.

20 JAN 23 2008

21 Dated: \_\_\_\_\_

22  
23   
24 \_\_\_\_\_  
25 LYNNE MARIE LEDANOIS  
CSR No. 6811

EDWARD E. ANDERSON

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1 you and he talk about in terms of your deposition?

2 A I just told him that I was going to have a  
3 deposition today, and he asked me what for, and I said  
4 what was on my claiming -- my wages lost and things like  
5 that and the breakage of the machine.

6 Q Did you talk about the same things with Ray?

7 A Yes.

8 Q Any of the other contract employees that you  
9 spoke with about your deposition?

10 A There was one other, but I can't think of...

11 Q Is today normally a workday for you?

12 A Yes, it is.

13 Q So you took the day off from work?

14 A I called and told them that I had a meeting  
15 with the American Airlines attorneys.

16 Q Who did you give that message to?

17 A Lisa, Lisa Duffy.

18 Q What is her last name?

19 A Duffy, D-U-F-F-Y.

20 Q What is her position?

21 A I guess she is a CSM. She answered the phone  
22 as that, so I...

23 Q When did you call her?

24 A This morning.

25 Q When do you normally begin your workday, at

EDWARD E. ANDERSON

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1 8:00 or 8:30, approximately?

2 A 8:00.

3 Q You are a part-time employee?

4 A Yes.

5 Q Of which I understand means that you work 20  
6 hours a week?

7 A Yes.

8 Q So you work five days a week?

9 A Yes.

10 Q What are the days that you typically work?

11 A They're from Sunday through Wednesday -- or  
12 Thursday. Sunday through Thursday.

13 Q Have you held the same basic schedule since  
14 American purchased TWA?

15 A Yes, I have.

16 Q Okay. Have you reported to supervisors at  
17 American since American purchased TWA?

18 A Have I --

19 Q Reported to any supervisors at American?

20 A Report what now?

21 Q In other words, they are your supervisor, they  
22 are your manager that you go to if there's questions?

23 A Okay. Now you want to know for questions --  
24 yes, I have.

25 Q We'll go back and talk about each of these

EDWARD E. ANDERSON

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1 was over the skycap area until she was replaced by  
2 Ms. Harris; is that about right?

3 A Yes.

4 MR. ROESTI: I did not pose an objection, but  
5 you did testify -- offer testimony, and I think his  
6 answer is confirming the testimony.

7 The testimony offered was that the year that  
8 American Airlines took over TWA, and I think it would be  
9 wise to confirm that that is the year that he recalls.

10 MR. O'BRIEN: Yes, okay. I thought we had put  
11 that on the record.

12 BY MR. O'BRIEN:

13 Q My records indicate that you started working  
14 for American Airlines as part of the acquisition of TWA  
15 in December of 2001. Does that right to you?

16 A Sounds close to being right, yes.

17 Q Let me ask you a couple of background questions  
18 because I skipped over that. We'll just do this  
19 quickly.

20 Where do you currently live, Mr.~Anderson?

21 A Where do I live now?

22 Q Yes, sir.

23 A 801 Galway Drive, G-A-L-W-A-Y Drive, Apartment  
24 Number 9, in San Lorenzo, California 94580.

25 Q How long have you lived there?



EDWARD E. ANDERSON

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1 A No, not TWU.

2 Q One of the others?

3 A Yes, it was -- I can't remember exactly.

4 Q Are you currently unionized?

5 A No.

6 Q As I understand it, the skycaps at American  
7 have not been unionized at least since you've been  
8 working for American?

9 A No, they are union.

10 Q So you are union?

11 A No.

12 Q Okay.

13 A I am an American Airlines employee.

14 Q Understood. Let me go back.

15 You are not a union member now -- that's a bad  
16 question.

17 Skycaps who are employed by American, I don't  
18 think are union members at this time in San Francisco;  
19 is that right?

20 A Correct.

21 Q And has that been true throughout the time  
22 you've worked for American Airlines?

23 A Yes.

24 Q And you did not -- apparently, you did not know  
25 Ms. Javier before you went to work at American Airlines;

EDWARD E. ANDERSON

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1 is that also correct?

2 A Correct.

3 Q Let's go back again to the same time period  
4 just before the acquisition. Okay?

5 At TWA, did you receive hourly wages?

6 A Yes.

7 Q And did you also receive tips?

8 A Yes.

9 Q And do you recall what your hourly rate was  
10 just before the acquisition?

11 A Yes.

12 Q What?

13 A I say yes. It was close to 10.46 an hour.

14 Q When you started working at American Airlines,  
15 did you also receive an hourly wage?

16 A Yes.

17 Q And at that time, you could also receive tips;  
18 right?

19 A Yes.

20 Q Let's go back then to when you started at  
21 American in December of 2001.

22 Do you recall, Mr. Anderson, what your hourly  
23 wage rate was?

24 A I'm not going to say exactly, but it was at  
25 10.46, and we were supposed to get -- as you go on --

EDWARD E. ANDERSON

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1 this is done through the city --

2 Q Okay. So you apparently started -- it sounds  
3 like when you started at American, your hourly rate  
4 stayed the same?

5 A Yes. The possibility is it may have increased  
6 a few pennies, but...

7 Q I understand. Do you know what your hourly  
8 rate currently is?

9 A No, I don't.

10 Q Do you have any idea?

11 A Yes. Close to \$11.

12 Q Close to 11, did you say?

13 A Yes, I think.

14 Q Let's go back then to the time that the  
15 acquisition actually took place.

16 I assume at some point in time you heard that  
17 American was going to take over TWA; right?

18 A Yes.

19 Q At some point in time, did you meet with  
20 anybody from American to discuss whether you wanted to  
21 continue to work as a skycap for American?

22 A Yes.

23 Q Do you recall who it was that you met with to  
24 have that discussion?

25 A Ron Olson was one -- he was in charge of

EDWARD E. ANDERSON

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1 customer service -- and then the station manager --

2 Q Do you recall that person's name?

3 A No, I can't -- I had it written down, but I  
4 can't recall his name. His first name was Arthur.  
5 That's all I can tell you.

6 Q And did you meet one-on-one -- let's just start  
7 with Mr. Olson.

8 Did you meet one-on-one with him or was it part  
9 of the group meeting with other skycaps?

10 A It was a group meeting with the rest of the TWA  
11 skycaps.

12 Q Was there one meeting with him or more than  
13 one?

14 A We only had one at that time.

15 Q Do you remember what Mr. Olson said in that  
16 meeting?

17 A Mr. Olson told us American's policy and all  
18 that. Then me of all the rest, I'm the only one that  
19 said, well, aren't we here under the TWA clauses, you  
20 know. And he said, oh, no, this is -- he told me no.  
21 And I said, well, I think we are, because our lawyer  
22 told us that things would continue as the court has --

23 Q I'm sorry. I lost you.

24 A Everything stays as is.

25 Q Okay. You said that to Mr. Olson?

EDWARD E. ANDERSON

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1 A I said it. Then he said, oh, no, no, no.

2 Q Now, you said a moment ago that he said what  
3 American Airlines policy is?

4 A Policies were at that time. Informed us on  
5 what to expect from American Airlines, and if we wanted  
6 to -- you know, agreed with them and all that.

7 Q Do you remember what he said in that regard?

8 A Well, I do remember, because I told him they  
9 came around and gave my shifts and told me there was  
10 going to be a four-hour shift. And I said, well,  
11 everything is supposed to be status quo. He said, what  
12 do you mean? I said that it's supposed to be status quo  
13 because we were under this court order.

14 And he said, oh, no, you're not under no court  
15 order. You're here under American Airlines. I said,  
16 no, we are under a court order. He said, oh, no. I  
17 said, well, I'll tell you what, you better call Dallas  
18 and find out for sure.

19 Q Did you speak to him again about that?

20 A Yes. In fact, he came to me about two or three  
21 weeks later.

22 Q What did he say to you?

23 A He said, you're right. He said -- but he still  
24 did not give me the added hours that I was supposed to  
25 be under, the same as TWA.

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1 Q Okay. So let me see if I understand.

2 You mentioned a moment ago that you thought  
3 there were a total of maybe nine skycaps on your shift  
4 at TWA --

5 A Yes.

6 Q -- and about 12 to 13 skycaps at TWA  
7 altogether --

8 A Yes.

9 Q -- just before the acquisition?

10 A Well, close to that, yes.

11 Q I understand. It's approximate.

12 Do you know if all of the TWA skycaps became  
13 American Airlines employee skycaps?

14 A No, they did not.

15 Q When you became an American Airlines skycap,  
16 can you estimate for us how many other TWA skycaps also  
17 joined American?

18 A From San Francisco, I think it was six of us.

19 Q When you joined American, were you the most  
20 senior skycap at TWA?

21 A No. I was the lowest.

22 Q Okay. And do you know if the skycaps who  
23 joined American joined because of their seniority at  
24 TWA?

25 A No, I don't know that.

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1 Q Do you know why some of the skycaps at TWA did  
2 not join American?

3 A Two or three of them -- well, at least two of  
4 them I know retired.

5 Q Okay. So you were the least senior?

6 A Yes.

7 Q How old are you now, sir?

8 A I'm 74 years old.

9 Q So in December of 2001, you would have been  
10 approximately 68?

11 A Probably.

12 MR. ROESTI: Subtract six years.

13 MR. O'BRIEN: I think so.

14 BY MR. O'BRIEN:

15 Q You say you're 74 now?

16 A Yes.

17 Q So you were approximately 66 (sic)?

18 A Yes.

19 Q Of the TWA skycaps who became American Airlines  
20 employees, were you the most senior, still the least  
21 senior, or something else?

22 A I think agewise -- no. As far as seniority, I  
23 was the lowest one on the seniority list.

24 MR. ROESTI: What do you mean by lowest on the  
25 list?

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1 THE WITNESS: I had the less years of the other  
2 skycaps.

3 BY MR. O'BRIEN:

4 Q I understand that. Were you the oldest skycap  
5 though?

6 A No.

7 Q There were other TWA skycaps who  
8 chronologically were older than you?

9 A Yes.

10 Q And did any of those people become American  
11 Airlines skycaps?

12 A Yes, they did.

13 Q Are any of the people who came over from TWA at  
14 the time that you came over still working as skycaps for  
15 American?

16 A No.

17 Q Who was the last -- if you recall, who was the  
18 last person who used to be a skycap at TWA who worked  
19 for American besides you?

20 A Agewise? Is that what you mean?

21 Q It does not have to be by age, no.

22 A The last one was Alonso Brown.

23 Q Do you know if Mr. Brown still works for  
24 American?

25 A No, he does not.



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1 short break.

2 BY MR. O'BRIEN:

3 Q Do you know how old Mr. Brown was when he  
4 retired?

5 A I think 77 or 76.

6 Q Let's go back to the time that you started  
7 working at American.

8 You had been working a 30-hour shift for TWA?

9 A Yes.

10 Q And when you started at American, you got a  
11 20-hour shift?

12 A Yes.

13 Q And has that shift, the 20-hour shift, been in  
14 place the whole time you've worked at American?

15 A Yes.

16 Q Were there other TWA skycaps whose schedule was  
17 reduced when they came over and started working at  
18 American?

19 A No. I can't recall any, no.

20 Q You don't recall?

21 A They were all eight-hour shifts.

22 Q Were any of the other skycaps African American?

23 A All of them -- well, I take that back. One was  
24 from Indonesia and the others were African American.

25 Q Were any of the others over the age of 40?

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1 A Yes.

2 Q Were they all over the age of 40?

3 A Yes.

4 Q Currently, you're the only American Airlines  
5 employee skycap at SFO?

6 A Yes.

7 Q How many G2 skycaps would you estimate work on  
8 the same shift that you work?

9 A Between five and six.

10 Q Do you know how many G2 skycaps work for  
11 American altogether at SFO?

12 A I don't know offhand. But they have two  
13 shifts -- actually, three shifts.

14 Q Let's first start with the shift that you work  
15 on. Are any of those skycaps African American?

16 A One is.

17 Q And do you know what the racial composition is  
18 of the rest?

19 A One white boy, and the rest are all Philippino  
20 or Spanish. I think there's two Spanish there.

21 Q Let's talk about the separate question of how  
22 many skycaps do you believe G2 employs at the American  
23 facility altogether at this time?

24 A Can you repeat?

25 Q Sure. That was a bad question.

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1 Q Do you know if they are all over the age of 40?

2 A Not all of them, no.

3 Q Are most of them over 40?

4 A Most of them.

5 Q When Mr. Olson told you that your new shift was  
6 going to be 20 hours a week -- strike that question.

7 Do you know how many American Airlines skycaps  
8 were already working for American at the time of the  
9 acquisition of TWA at San Francisco?

10 A There were none in San Francisco working for  
11 American itself, American Airlines. They had  
12 contractors.

13 Q So even in December of '01, American was using  
14 contract employees to do skycap duties?

15 A Yes.

16 Q So to the best of your knowledge, there were  
17 not any actual American employees doing those duties  
18 before the acquisition?

19 A Not as skycaps, no.

20 Q Understood. Okay.

21 Do you know the name of the company that  
22 American was using as its contract company at that time?

23 A Globe.

24 Q Globe?

25 A Yes.

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1 Q I understand Globe changed its name to G2; is  
2 that right?

3 A Yes. Excuse me.

4 Q So they were working, basically, for the same  
5 company as G2; it's just that the name was changed?

6 A Yes, that I know of.

7 Q Okay. I understand. I appreciate that.

8 When you started working for American Airlines  
9 in 2001, did the curb -- remember we talked earlier  
10 about the physical location of the curb for American and  
11 TWA?

12 A Yes.

13 Q Did the company -- did American stop using that  
14 TWA site or did it continue to use that part of the  
15 curb?

16 A No, that was quite a while ago. When we talked  
17 about American and they were in the same building,  
18 that's quite some time ago. Then when they opened a  
19 third building, American moved over to there. And we  
20 were -- TWA was in a building in the south terminal. It  
21 was the north, south -- central, north and south at the  
22 time.

23 Q When you started working for American, were  
24 American's curbside operations just at the one spot?

25 A Yes.

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1 MR. ROESTI: When you mean curbside operations  
2 at one spot, are you referring to just one station or  
3 are you referring to a series of stations that would be  
4 in one relative location?

5 MR. O'BRIEN: I'm just talking about the curb  
6 as opposed to the stations. We'll talk about the  
7 stations in a moment.

8 MR. ROESTI: But you're including the stations  
9 on the curb. I don't mean the stations inside, but on  
10 the curb.

11 MR. O'BRIEN: Right. Yes. Okay.

12 BY MR. O'BRIEN:

13 Q So when you started at American Airlines, how  
14 were you hours set? Who determined what the hours of  
15 your shift were going to be? Was it Mr. Olson, to the  
16 best of your knowledge?

17 A Yes.

18 Q And what did he tell you your hours would be?

19 A He gave me hours from 10:00 to 2:00.

20 Q What had you been working at TWA?

21 A I had been working morning shift.

22 Q What time did you start?

23 A 7:00 to -- well, eight-hour shift -- no --  
24 yeah, six-hour shifts at that time. From 7:00 to, I  
25 think, 1:30 or 2:00, or something like that.

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1 Q When you claim over to American from TWA -- I  
2 just want to go back to something and make sure I  
3 understand what I think you said earlier.

4 When you came over from TWA, you were the least  
5 senior TWA skycap?

6 A Yes. I was the lowest seniorized skycap.

7 Q Do you know if Mr. Olson set the schedules for  
8 the other formerly TWA skycaps who came over to  
9 American?

10 A Yes, with their help.

11 Q With the help of those skycaps?

12 A Yes.

13 Q And were some of those --

14 A He was trying not to use seniority, our  
15 seniority, and he had all the others getting the best  
16 time, all the contractors getting the best time.

17 Q Did any of the former TWA skycaps work shifts  
18 at American beginning at 7:00 a.m. after American  
19 acquired TWA?

20 A After they acquired it?

21 Q Yes.

22 A Well, they started them out with lower -- you  
23 know, not -- then they all told them that we were  
24 American employees and that we should be able to be the  
25 top -- you know, be able to pick our top shift, because

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1 they were contractors, and you treat your -- if you are  
2 an employee, you treat your employers the right way  
3 rather than the contractors.

4 Q Let me focus in, though, a little bit on a  
5 little bit different subject.

6 My question was just whether or not you know if  
7 any of those former TWA skycaps worked shifts beginning  
8 at 7:00 a.m. once they came over to American.

9 A I think they changed the time earlier than  
10 7:00.

11 Q So they would start earlier?

12 A They started earlier.

13 Q Okay. You mentioned a moment ago that you  
14 think American currently has three shifts of skycaps? I  
15 think you said that.

16 A Well, they got more than that now. They come  
17 different times of the day.

18 Q Do you know when the first flight of the day  
19 out is for American at SFO now?

20 A I think it's 6:00 a.m, six something.

[ 21 Q Do you know what time the first skycap, whether  
22 it's with G2 or not, shows up and begins working the  
23 curb?

24 A I think they start at 4:30. I'm not sure.  
25 4:30 or 3:30. I'm not sure.

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1 Q Did Arthur ever get back to you and tell you  
2 what your hours were going to be?

3 A Arthur didn't, but he had Mr. Olson.

4 Q We've already talked about what Mr. Olson told  
5 you?

6 A M-hm.

7 Q Yes? You have to answer with words. He talked  
8 to you about it?

9 A And told me that I was right and that we were  
10 under the court order and that my seniority, I should be  
11 able to pick the time I want to come to work, you  
12 know -- well, not just me pick the time.

13 But then he asked me what would I consider to  
14 be a good time. That was after, you know. I said,  
15 well, 6:30 or 6:00. He said, oh, no, we have too many  
16 on that one. He said -- I said, okay, 8:00. And he  
17 said, fine. He said, you'll work from 8:00 to 4:00.

18 Q Did that change?

19 A No. That's what I've been on ever since then,  
20 but I still did not get my six hours that I should have.

21 Q You just said he told you 8:00 to 4:00?

22 A Yes -- I mean 8:00 to 12:00. I'm sorry.

23 Q That's fine. I just wanted to clarify.

24 So Mr. Olson is the one who told you that you  
25 would be working from 8:00 to noon?



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1 A Right.

2 Q When did you first, if you can recall -- well,  
3 never mind that.

4 When you began working for American Airlines in  
5 2001, the skycaps did not collect this \$2 per bag fee;  
6 right?

7 A No, they did not.

8 Q That went into effect in '05, I believe; right?

9 A Yes.

10 Q So let's talk about -- let's move from the  
11 period when American acquired TWA and we'll move forward  
12 to when that fee was instituted, but not quite there  
13 yet. Okay?

14 MR. ROESTI: Will this be a good time for a  
15 break?

16 MR. O'BRIEN: Yes. Good. Let's take a short  
17 break, and I can look the documents that you and  
18 Mr.~Anderson have that we've talked about earlier.

19 VIDEOGRAPHER: We are now going off the video  
20 record. The time is 11:07 a.m.

21 (Recess Taken.)

22 VIDEOGRAPHER: We are now back on the video  
23 record. The time is 11:23 a.m.

24 BY MR. O'BRIEN:

25 Q Let's go back chronologically, Mr.~Anderson, to

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1 the point where I think we left off. We had gotten to  
2 the point where the acquisition of TWA had gone through  
3 and you had started working as a skycap for American,  
4 and now we will move forward, but prior to the time that  
5 the \$2 per bag charge was instituted, all right, so  
6 that's the time period for these questions I'm going to  
7 be asking you.

8 A All right.

9 Q When you started working as a skycap for  
10 American in 2001, did you have a set location at the  
11 curb that you always took during your shift?

12 A No.

13 Q How would you determine what position --  
14 MR. ROESTI: Wait a minute.

15 You indicated with your hand that you might  
16 want to say more. Did you complete your answer?

17 THE WITNESS: Well, sorry. I would like to say  
18 more.

19 BY MR. O'BRIEN:

20 Q Sure.

21 A I had a location. It was at the west end of  
22 the airport. All the contractors were down where the  
23 heavy traffic came and I was up at the other end. There  
24 was about three others up there with me at the time.  
25 There was always three of us up there.

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1 Q So as I understand it, then, the contract  
2 skycaps would have been at the east end of the curb?

3 A They were at the east end of the curb.

4 Q And you were at the west end?

5 A West end, right.

6 Q Were the other employees who were with you at  
7 the west end of the curb, were they also former TWA  
8 skycaps?

9 A Two were.

10 Q And was one of those folks --

11 A Excuse me. I'm sorry.

12 Q That's all right.

13 A Three.

14 Q Okay. Let me make sure I understand.

15 You were located at the west end of the curb?

16 A Yes.

17 Q There were a few other skycaps with you at the  
18 west end?

19 A Yes.

20 Q How many of those were Globe contract skycaps  
21 at that time?

22 MR. ROESTI: Excuse me. Would you identify the  
23 definition of the word "globe"?

24 MR. O'BRIEN: Globe is the company we've been  
25 talking about.

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1 MR. ROESTI: Okay.

2 Do you have the question in mind?

3 THE WITNESS: Would you repeat it?

4 Q Sure. I just want to know, you're on the west  
5 end of the curb when you started for American; right?

6 A Yes.

7 Q I think you said there were three other skycaps  
8 there during your shift?

9 A Yes -- two others.

10 Q Were they both former TWA skycaps?

11 A No.

12 Q Were either of them TWA skycaps?

13 A No.

14 Q They were both Globe contract employees?

15 A Yes.

16 Q During the shift that you were working when you  
17 started for American, were any of the former TWA skycaps  
18 working at the other side of the curb, the east side of  
19 the curb?

20 A Yes.

21 Q How many former TWA skycaps were working that  
22 end of the curb?

23 A Three, I believe.

24 Q They were all senior to you in terms of the  
25 factors we've talked about already?

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1 BY MR. O'BRIEN:

2 Q Let me ask you a different question then.

3 When did you start writing down your tip  
4 income?

5 A I started writing down, I guess -- well, at  
6 first when I started, I did not do it every day. And  
7 then I think it was in -- some part of '06 I started.

8 Q And sometimes do you write it down and other  
9 times you don't?

10 A Most of the times I write it down. As of late  
11 the past year, I've been trying to write it down almost  
12 every day. Then, again, I get rushed, and I have to  
13 leave or something, so I just -- because I have to copy  
14 each one of these.

15 Q Understood. Okay. So I'll look at these  
16 during the break, but I understand what you're saying.

17 Sometimes you write them down and sometimes you  
18 don't?

19 A Most of the time I try to write it down.

20 Q Okay. You mentioned that when you started as  
21 an American employee, as a skycap at SFO, you were  
22 working the west end of the curb; right?

23 A When I started with American, yes.

24 Q Are you still working at that location?

25 A Yes, I am.

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1 Q Did any of the TWA skycaps who came over to  
2 American work the east side of the curb, other than  
3 Mr. Brown, at any time?

4 A Yes.

5 Q Do you recall the names of any of those --

6 A Mr. Cass, Mr. Hassin, Mr. Brown. I think that  
7 was it.

8 Q Were any of those individuals African American?

9 A They all were -- well, no, they are not.  
10 Mr. Hassin was like -- he was from Indonesia.

11 Q And the others were African American?

12 A African American, yes.

13 Q They were all over the age of 40?

14 A Oh, yes.

15 Q And all senior to you in the way we've used  
16 that phrase before?

17 A In seniority as work being done, yes.

18 Q And did those individuals that you've just  
19 named, did they ultimately stop working for American?

20 A They stopped when they retired, yes.

21 Q As far as you know, did they all leave American  
22 when they retired?

23 A Yes.

24 Q As they left the curb, were their slots taken  
25 over by a contract employee?

1 A Yes.

2 Q Let's go back then to the period between  
3 December of '01, when American took -- when you went to  
4 work for American, and before the time that the bag  
5 charge was instituted.

6 Did you have any kind of physical work station  
7 or podium that you worked at or were regularly assigned  
8 to during that period?

9 A This was before? Yes.

10 MR. ROESTI: I want you to be clear on the time  
11 period. Don't just say "this is before."

12 So what time period are you talking about?

13 MR. O'BRIEN: I said several times after  
14 December of '01, but before the bag charge was  
15 instituted.

16 BY MR. O'BRIEN:

17 Q So go ahead.

18 A You asked me did I have a station?

19 Q Yes.

20 A No, I did not have -- well, I could work up  
21 there at the west end, any one of the podiums that were  
22 up there, which was three to four podiums, depending on  
23 how busy they were.

24 Q When customers -- strike that.

25 When people would drive in to the curb to check

1 their bags, I take it that they approached from the east  
2 side, and then they would drive through and they would  
3 ultimately get to the west part of the curb?

4 A Yes.

5 Q That was the direction of the traffic?

6 A Yes.

7 Q Okay. Fine. And at that period of time that  
8 we've been talking about, from '01 to prior to the  
9 institution of the bag charge, did you have to keep any  
10 record of tip income that you turned in to American?

11 A No.

12 Q Was there any kind of paperwork that you had to  
13 do?

14 A No.

15 Q Would you be responsible for issuing paperwork  
16 to the passenger, for example, a luggage tag or a claim  
17 check?

18 A Yes. Claim check.

19 Q Were you responsible during the same period of  
20 time for issuing any kind of boarding papers to the  
21 passenger?

22 A They came out with the claim checks. The  
23 boarding pass came out with it.

24 Q Okay. Fine. During the period of time from  
25 December of '01, when you became an American skycap, up



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1 to the time that the bag charge was instituted, did you  
2 ever put in for a transfer to any other city that  
3 American flew out of?

4 A We were not allowed to put in for a transfer by  
5 court order. Everything stayed status quo. We were not  
6 allowed to work any overtime. All this stuff was on the  
7 status quo.

8 Q So my understanding is, you did not try to  
9 transfer?

10 A I spoke verbally to them, and they said that  
11 the contract -- in fact, when Mr. Olson talked to us,  
12 TWA skycaps said they went along with Arthur, they told  
13 us then that we would not be able to transfer. They  
14 told us this.

15 MR. ROESTI: And then you said something to  
16 them at the time then; is that correct?

17 THE WITNESS: I said that's bad. I would like  
18 to transfer to St. Louis. But that was it. You know,  
19 you're not allowed to do those things.

20 BY MR. O'BRIEN:

21 Q That was applied to all of the skycaps?

22 A Yes.

23 Q And you said a moment ago you could not work  
24 overtime?

25 A No overtime.

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1 started working at American; right?

2 A Yes.

3 Q And she was already working, as far as you  
4 know, for American Airlines but perhaps in a different  
5 city?

6 A Possibly.

7 Q From the time that you started working as an  
8 American employee in December of '01 up until the time  
9 that the bag charge was instituted, did you have any  
10 problems with Ms. Javier?

11 A At one time, yes.

12 Q When did this occur?

13 A This was after the charge was -- well --

14 Q Well, let me set the stage, though, again,  
15 because I have not gotten to that point.

16 Again, I'm just asking about the period of time  
17 after you started working for American but before the  
18 bag charge started. Okay?

19 A Yes.

20 Q So my question is, during that period of time,  
21 before the bag charge was instituted, did you have any  
22 problems working with Jocelyn Javier?

23 A No. None that I can remember.

24 Q Did you have any problems working with any of  
25 the other people who might have been managers or

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1 supervisors again during that same period of time?

2 A No more than what me and Ron Olson discussed  
3 about for them to check with Dallas on things. That's  
4 all.

5 Q You've told us all about that?

6 A Yes.

7 Q Okay. Would it be correct, then, to say that  
8 before the bag charge was instituted, you did not have  
9 any problems with any of the managers, other than this  
10 discussion with Mr. Olson that you have told us about?

11 A I can't remember anything else.

12 Q From '01 to '05, when the bag charge was  
13 instituted, you were working 20 hours a week  
14 consistently?

15 A Well, I was scheduled to work 20 hours a week,  
16 yes.

17 Q Okay. Did you sometimes work less than 20  
18 hours?

19 A Sometimes, yes.

20 Q Did you sometimes work more than 20 hours?

21 A Never more than 20 hours.

22 Q So you were -- so it sounds like if you were  
23 going to change a shift with anybody, it would be to --  
24 you would give up some of your hours as opposed to  
25 picking up additional hours; is that right?

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1 A Correct.

2 Q And that's all that Jocelyn told you, about  
3 going to see Mr. Olson?

4 A Yes.

5 Q Do you know if the contract employees had to  
6 sign any similar paperwork?

7 A Yes.

8 Q Do you know if the paperwork that they had to  
9 sign was similar to what you had to sign?

10 A I don't know exactly. I was told by some of  
11 them, but that's hearsay.

12 Q Did they tell you that they also had to collect  
13 that same charge?

14 A Yes.

15 Q Did they tell you they had to keep some of  
16 these records that you've got here for us?

17 A No.

18 Q Did they indicate to you that they had to keep  
19 any kind of record?

20 A No.

21 Q But they told you they had to charge the \$2 fee  
22 too?

23 A Yes.

24 Q They have to collect the fee and turn it in at  
25 the end of their shift?

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1 Q And that's all Jocelyn said?

2 A Yes.

3 Q Did you eventually start working -- well,  
4 strike that.

5 Did you eventually start collecting the \$2 fee  
6 from the passengers?

7 A I started the first day that they started it.  
8 That was on the 15th of August. That's when I started  
9 collecting the money.

10 Q Is that when you started --

11 A That's when I started keeping records of -- I  
12 think that was when I first -- in fact, the records may  
13 be a little later than that. I'm not sure.

14 MR. ROESTI: It may be helpful if you specify  
15 what year --

16 THE WITNESS: It was '05 that I did start  
17 keeping records, I think I did.

18 BY MR. O'BRIEN:

19 Q So in '05, you started collecting the \$2 fee?

20 A Yes, August 15th.

21 Q You started filling out the paperwork that we  
22 have here?

23 A This year -- oh, you mean the sheets that we  
24 had to turn in to American Airlines? Yes, I did.

25 Q And you had to turn in the cash?

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1 A Yes.

2 Q And you had to total up the cash that you  
3 received --

4 A Yes.

5 Q -- to make sure it matched the number of bags  
6 you got to check; right?

7 A Yes.

8 Q When you started doing that, you were  
9 apparently the only American employee still actually  
10 working at the curb; right?

11 A Yes. No, I take that back. Mr. Brown was  
12 still scheduled to work.

13 Q But was he physically working or was he off?

14 A He was off on a medical.

15 Q And the rest of the skycaps were all contract  
16 employees?

17 A Yes.

18 Q As far as you know, they were collecting the  
19 same fee?

20 A Yes.

21 Q They were performing some kind of paperwork  
22 function to show to their supervisors the amount of fees  
23 that they had collected too?

24 A Yes.

25 Q When you started in August of '05 to collect

## AFTERNOON SESSION

VIDEOGRAPHER: This is the beginning of videotape number two. We are now back on the video record. The time is 1:00 p.m.

BY MR. O'BRIEN:

Q Hi, Mr. Anderson. We're back on the record after lunch.

I'll get back to where we were in just a moment, but over the lunch hour I had an opportunity to look quickly at the documents which you and Mr. Roesti have brought with you today and which are going to be copied for me by your counsel.

I had a couple of questions about that. I did start to find some sheets where there were some numbers, usually in ink, written on the back of the sheet.

Is that how you recorded your tip income?

A Yes.

Q When you did that, were you being truthful and accurate about the amount of tips you received --

A Yes, I was.

Q You need to wait until I finish.

You were being truthful and accurate --

A Yes.

Q -- about that?

A Yes.

1 Q Okay. I also noticed that there were sometimes  
2 on a few dates when you would make an entry about your  
3 machine being broken or being down.

4 Do you know what I'm talking about?

5 A Yes.

6 Q And is that something you also started doing  
7 when the machines went down so you could record it on  
8 these sheets?

9 A When I started -- after I started getting paid,  
10 yes -- I mean, you know, paying the \$2.

11 Q So after August of '05?

12 A M-hm.

13 Q You have to answer with words.

14 A Yes.

15 Q So we can tell by looking at all of these  
16 documents when your machine went down and the dates and  
17 that kind of thing?

18 A Most of the time.

19 Q Would you record on these sheets -- I did not  
20 see any -- that recorded how long the machine was down?  
21 Did you make that kind of entry, or would you just  
22 generally --

23 A Well --

24 Q Let me finish.

25 Would you just generally write machine went



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1 down?

2 A A lot of times I did not write that. I started  
3 writing that afterwards.

4 The sheets were blank, you know, so I started  
5 writing afterwards that they were down. And sometimes  
6 they were down two weeks at a time because parts were on  
7 order, they said.

8 Q Would that two-week period be reflected in any  
9 of these documents?

10 A Sometimes -- they should be.

11 Q So will you be able to look at these, then --  
12 there was an extended period of time the machine was  
13 down, we should be able to look at these to see when  
14 those periods took place?

15 A Yes. But when I first started out, I did not  
16 write that the machine broke, because it broke two or  
17 three times, you know, and I just took it in stride.  
18 But then they started breaking down more and more and  
19 longer and longer, so I said I better keep a record of  
20 this. So I started --

21 Q Once you started making that record, did you  
22 continue to do so?

23 A When it was broken, yes, I did.

24 Q That's true up until today?

25 A No. Last week I had a breakdown, but it did

1 there also. Then they took American completely out, and  
2 they have Midwest and Air Canada now.

3 Q Have you -- since that change has occurred  
4 where these other airlines have taken over some of the  
5 counter space, have you spoken to any of your managers  
6 or supervisors about moving down the curb so you're in  
7 front of an American ticket counter?

8 A They cannot move me down there.

9 Q Why is that, sir?

10 A Because the belt is up there. I've got a  
11 separate belt up there, and they have a separate belt at  
12 the other end. They are only at each end, the east end  
13 and the west end.

14 Q Okay.

15 A So they would not be able to move me.

16 Q I understand that now. Thanks for clarifying  
17 that.

18 So there are actually two belts and they're  
19 totally separate from one another?

20 A Correct.

21 Q Are you the only skycap servicing American's  
22 belt at that point --

23 A Yes.

24 Q -- or at that location?

25 A Yes.

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1 correct?

2 MR. O'BRIEN: Yes.

3 THE WITNESS: I get one of these and one of  
4 these blank.

5 MR. ROESTI: Could you identify what you mean  
6 when you say "these," Mr. Anderson?

7 THE WITNESS: Okay. I'm sorry.

8 This is the American Airlines sales -- deposit  
9 envelope here, the top? And then the one that I get  
10 also is baggage reconciliation sheet, which is blank at  
11 the time. And then when I take a tag off one of the  
12 claim checks, I stick it on here. This sheet actually  
13 holds 80. One full sheet holds 80.

14 BY MR. O'BRIEN:

15 Q Okay. And then, just so I understand  
16 physically what you have to do on your job, at the end  
17 of the day, it's 12:00 or 12:30 and your shift is over  
18 for the day, what do you do with the envelope and the  
19 sheets?

20 A I take these and I go inside. I count up my  
21 money and I -- I count up all this, and then I take a  
22 photostat of both of those, and I keep one and I give  
23 them -- well, not them. I take it into the office where  
24 they count up your money, and then you put it in a safe  
25 after someone signs it that seen me do that.

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1 Q So someone else counts the money to confirm it?  
2 A Yes.  
3 Q And then you sign off and you're done for the  
4 day?  
5 A Yes.  
6 Q Let's get back then to where we were when I was  
7 talking about Mr. Olson.  
8 You said that you've gone into the office to  
9 ask if you could move to the other belt; right?  
10 A Yes.  
11 Q And I think you indicated that he just says you  
12 can't do that; right?  
13 A Yes.  
14 Q Does he explain to you why you can't move?  
15 A No. No one ever -- no individual at American  
16 Airlines has ever explained to me why I couldn't do it.  
17 Q Do you know Mr. Phil Bach?  
18 A Yes.  
19 Q Have you ever talked to Mr. Bach about moving  
20 locations?  
21 A Yes.  
22 Q Can you estimate for us the number of times  
23 you've requested that of Mr. Bach?  
24 A A couple of times when the machine was broken,  
25 I said, can I use the other computers -- see, he was

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1 are the only podiums there are. It's the contractors'  
2 podiums. They are the only ones. So if mine is broke  
3 and there is three down there, it would have to be a  
4 contractor's podium that I would use.

5 Q Understood. And they have three or four  
6 podiums down there?

7 A Yes.

8 Q And they have three or four skycaps on duty  
9 when you are on duty?

10 A Yes.

11 Q I have to ask these questions -- don't take any  
12 offense -- just because of the nature of the claim.

13 Has anybody -- any supervisor or manager at  
14 American said the reason you cannot use these other  
15 podiums is because you're African American?

16 A No, they have not said that. No.

17 Q Or because you're over the age of 40?

18 A No, they have not said that either.

19 Q Okay. Let me see if I understand what the  
20 nature of your claims are here.

21 Part of the time your podium does not work;  
22 right?

23 A In fact, quite a bit, quite a few times, yes.

24 Q You cannot --

25 A Weeks at a time.

1 Q So what would you like to see happen up there  
2 in terms of your own situation?

3 A I would have liked to have been able to check  
4 anywhere, anytime I got a bag, check in, where I -- so I  
5 could make some money. I could not make money.

6 Q When you get there at 8:00 in the morning,  
7 there are a number of the Globe skycaps already at work;  
8 right?

9 A Yes.

10 Q I think you said they might get there as early  
11 as 4:30 or 3:30?

12 A Right.

13 Q They're going to take the spots closest to  
14 where the passengers are approaching; correct?

15 A That's what they have been doing, yes.

16 Q That's the first belt?

17 A First belt, right.

18 Q So when you arrive to work, those spots are  
19 already taken by the Globe contractors; is that right?

20 A Yes.

21 Q And when you arrive to work, is there anyone  
22 working your spot?

23 A No.

24 Q Is there anyone, for example, working on an  
25 earlier shift and then you take over for them?

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1 it was broke, I had nothing. I just -- they would send  
2 me to classes then.

3 BY MR. O'BRIEN:

4 Q For example, I looked quickly through your  
5 stack of papers, and you've got some classwork --  
6 paperwork in there.

7 Is that the kind of classes you're talking  
8 about?

9 A I don't know what you have.

10 Q Yes, I saw one or two. You're talking about  
11 online training?

12 A Most of -- I don't know. Most of those classes  
13 that they gave, I took those books home.

14 Q Okay.

15 A There might be one or two. I don't know.

16 Q So if your machine is down, you go do some  
17 classes?

18 A Yes, if I don't have them done. But that's  
19 only about four times out of the whole years that they  
20 gave me classes. Other times I just sit around.

21 Jocelyn had asked me a couple of times, Well,  
22 you want to go home? I said, Am I going to get paid?  
23 She said, No. I said, Well, no, I don't want to go  
24 home.

25 Q Then you would just be paid the hourly rate?

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1 A I would be paid hourly rate.

2 Q Can you describe for us generally what the  
3 problems you've experienced with the machines are?

4 A They would not print, and sometimes the  
5 boarding card thing would not work. They could not get  
6 them to work. And they would always come up with the  
7 machine needs -- something has to be ordered, or  
8 something like that. So I don't know.

9 Q You mentioned --

10 A They just did not print or the boarding --  
11 that's the main thing, is to print a baggage check and  
12 get a boarding card, and they would not do either one of  
13 those.

14 Q You're currently using machine number 7?

15 A Yes.

16 Q Do you know if anybody has used that machine  
17 before you?

18 A I'm sure they have. They've used all the  
19 machines out there, so somebody has used -- not before.  
20 I tell you what though. Not before -- well, I don't say  
21 not before.

22 But when they gave -- after 7, after he told me  
23 this is your machine, this is the only one you use,  
24 nobody that I know of used it, but, however, when I come  
25 in in the morning sometimes, I could tell it had been



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1 used.

2 Q Do you know if someone who's employed by Globe  
3 has used machine number 7?

4 A That would have to be them because they are the  
5 only ones there now, and I'm the only one there. And  
6 they have been used.

7 Q Do you know if Globe skycaps have used machine  
8 number 5?

9 A Yes.

10 Q And they still use number 5?

11 A I don't know. When it broke, they switched me  
12 to 7, and that's what I'm supposed to stay on is 7. I  
13 don't know anything about -- oh, I do remember.

14 Somebody down at -- they are using 5. Yeah,  
15 they are, because I've seen it down there.

16 Q Again, I will ask you these questions that I  
17 don't mean to be asking ridiculous questions, but I have  
18 to because of the lawsuit.

19 Has anybody who's a manager at American said,  
20 well, we're going to give you a broken machine or a  
21 defective machine or words to that effect because you  
22 were an African American?

23 A No one has ever said that, no.

24 Q Or because you're over the age of 40?

25 A They have not said it out, no.

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1 Q Do you think Ms. Javier has done that because  
2 of your race?

3 A No, not that particular thing, no.

4 Q Or because of your age?

5 A No.

6 Q Same questions for Mr. Olson?

7 A Ms. who?

8 Q Mr. Olson.

9 A Olson? Well, I can't -- you know, undoubtedly,  
10 it must be because of my age.

11 Q Let me go through -- let's talk then about  
12 Mr. Olson specifically.

13 Has Mr. Olson ever said to you, look, you're  
14 only going to get a defective machine or a broken  
15 machine or words to that effect because of your race?  
16 Had he said that?

17 A No, he has not said that.

18 Q Or because of your age?

19 A No, he did not say it.

20 Q Did Mr. ~Bach ever say you're going to get stuck  
21 with this machine because of your race?

22 A No.

23 Q Or your age?

24 A No.

25 Q What about Mr. -- I think you said Goshi? Has

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1 he ever said anything to that effect?

2 A No, he has not.

3 Q With about Ms. Harris?

4 A She definitely has not, no.

5 Q Has any American supervisor who we have not  
6 named said you're only going to get stuck with these  
7 machines because of your race?

8 A No.

9 Q Or your age? Have they said that?

10 A No.

11 Q When the machine won't print, have you ever  
12 been present when somebody has been able to get it to  
13 work the same day that you report the problem?

14 A Yes.

15 Q And who does the -- I'll just call it repair  
16 work, who does that?

17 A I don't know his name. But he's a computer  
18 fixer for American Airlines. He does the ones inside  
19 and he also does the ones on the curb.

20 Sometimes when they call him, he cannot get to  
21 me for two or three days after I reported that it does  
22 not work or something like that. Because he's busy.  
23 He's the only person there at that time.

24 Q You don't happen to recall his name?

25 A No, I don't.

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1 A No, I don't think he does.

2 Q But sometimes he's been able to come down and  
3 fix it the same day?

4 A Yes.

5 Q What about this woman? Has she ever come down  
6 and fixed it the same day for you?

7 A No.

8 Q Have they ever told you I'm not going to fix  
9 this for you because you are an African American?

10 A No.

11 Q Or because of your age?

12 A No. They try to fix it.

13 Q They try to help you out?

14 A Yes, they try to help me.

15 Q Do you think that they are being genuine when  
16 they are trying to help you?

17 A Yes, I know he is.

18 Q Have either one of them ever said to you, you  
19 know, Mr.~Anderson, I would like to help you out, but  
20 American has told me not to fix your machine?

21 A No, they have not said that to me.

22 Q They appear to genuinely want to get you back  
23 to work?

24 A Right.

25 Q Have they ever been trying to work on one -- on

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1 would work. That was it. She would call somebody.

2 Q So she was trying to log in too?

3 A Yes, she tried to log in.

4 Q Did Mr. Olson ever try to log in?

5 A No.

6 Q Did mr. Bach?

7 A No. He only came out once.

8 Q What about Mr. Goshi?

9 A Mr. Goshi, he's been the most helpful of all,  
10 trying to get things done. He has been.

11 Q Has he come out to try to get the machine  
12 going?

13 A He came out and asked me what the problem was,  
14 and I showed him. And he called and told somebody -- I  
15 don't know who it was he called. They did not come up  
16 for a day or two.

17 Q That would be the Asian fellow or the woman you  
18 talked about?

19 A I don't know who it was he called.

20 Q Have you ever seen any of the Globe podiums go  
21 out?

22 A Yes.

23 Q And have you seen this Asian gentleman try to  
24 get it going --

25 A Yes.

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1 Q -- or this woman you've mentioned?

2 A Yes, I have.

3 Q When their machines go out, do you know who  
4 they report that to?

5 A Same people that I have been reporting mine to.

6 Q For example, Jocelyn?

7 A They call management or something. They call  
8 operations. And the guy at Globe, when he asked me what  
9 was going on, he would call operations. And we would  
10 get the guy up here, and they couldn't fix it or  
11 wouldn't fix it -- couldn't fix it.

12 Q Do you know if they contact Jocelyn to let her  
13 know of the problem?

14 A Yes.

15 Q Have you ever seen her go to try to help  
16 someone who's a Globe employee get their machine back  
17 and running?

18 A No, because it's always so many people, you  
19 cannot even see down there hardly.

20 Q Okay. Is there any maintenance that the  
21 skycaps do to the machines?

22 A You clean the head of it when it's smudgy, kind  
23 of. You just clean the head of the thing. And you put  
24 new bag tags in and boarding passes in when it runs out.  
25 That's the only maintenance that's required by us after

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1 the passenger. And if one of the legs is missing, they  
2 say, well, so and so -- you say, well, you have to go  
3 inside and they will take care of that for you.

4 Q You mentioned that recently they changed the  
5 monitors?

6 A Yes.

7 Q And they gave you keyboards?

8 A Yes, a keyboard and a mouse.

9 Q Has the rest of the podium stayed the same over  
10 the years?

11 A Yes, the podium has.

12 Q Is it the same kind of podium that the Globe  
13 contractors use?

14 A Same.

15 MR. ROESTI: Same.

16 MR. O'BRIEN: Thanks for clarifying that.

17 MR. ROESTI: I --

18 MR. O'BRIEN: Sorry?

19 MR. ROESTI: I didn't know if you were done or  
20 what you were -- you said something and --

21 MR. O'BRIEN: I said thank you for clarifying  
22 that.

23 MR. ROESTI: Sorry.

24 MR. O'BRIEN: No problem.

25 Let's take a five- or ten-minute break.

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1 basis for it. If you want to continue to ask it, you  
2 may take it to a judge, but I think he has answered it,  
3 and I'm not going to have him answer it further.

4 MR. O'BRIEN: Well, Counsel, asked and answered  
5 is not a basis in this court for a direction not to  
6 answer. You know that. It's a very simple question,  
7 but I think that the record is muddled on it.

8 MR. ROESTI: I think the question --

9 MR. O'BRIEN: Let me finish my remarks.  
10 So if I could just ask it one more time, I'm  
11 happy to move on if we get a clear answer. Okay?

12 MR. ROESTI: I want to put a further objection  
13 on the record.

14 It's vague as to time, meaning then or when,  
15 and it's ambiguous for the same reason.

16 Now, if you understand the question, you may  
17 answer it further.

18 THE WITNESS: He's been rewording the question  
19 to his benefit.

20 MR. ROESTI: If you want to give your answer as  
21 to when you told him what, you may do that. You may  
22 give a complete and full answer.

23 Right?

[ 24 MR. O'BRIEN: Yes, but I think we've already  
25 established when he had the conversation. What I'm



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1 interested in is, did Mr.~Anderson, as I believe he  
2 testified already, suggest the 8:00 start time?

3 MR. ROESTI: I think what the record will show,  
4 if you want to play it back, is he indicated that he was  
5 not allowed to do it, that he told him he better check  
6 with Dallas, and that subsequently there was a further  
7 discussion --

8 MR. O'BRIEN: I know what his testimony is.

9 MR. ROESTI: Then if you know his testimony,  
10 why are you asking the question again?

11 MR. O'BRIEN: Because I don't think we have a  
12 clear answer. So if I can just get an opportunity here.  
13 You know that asked and answered is not a basis for a  
14 direction to not answer. So let me try it one more  
15 time.

16 BY MR. O'BRIEN:

17 Q Did you suggest the 8:00 start time to  
18 Mr. Olson?

19 A When?

20 Q You said in 2005, when you started working for  
21 American.

22 A I did not say that --

23 MR. ROESTI: Do you understand the question?

24 THE WITNESS: I understand the question, yes.

25 MR. ROESTI: Then answer the question.

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1 THE WITNESS: But it was not in 2005. This was  
2 in 2001 when that took place.

3 BY MR. O'BRIEN:

4 Q When you suggested 8:00 as the start?

5 A I did not suggest it. This was after he had  
6 given me a shift of 10:00 to 2:00 in '02 -- I mean, '01,  
7 whenever it was, when I first began, and I told him then  
8 that you do not put any contractors over a regular  
9 employee, and he told me, I can do anything I want. I  
10 do it. He said, I'm going to do. I said, Well, you're  
11 wrong. I said, If you don't believe me, check with  
12 Dallas. Because we're under court order that everything  
13 stayed as status quo.

14 And as it was, status quo, I was working six  
15 hours for TWA, and I should have come over at American  
16 working six hours too.

17 Now, American Airlines does honor everything  
18 else that was in that status quo, like you cannot  
19 transfer, things of the nature like that, they honor  
20 that.

21 Q What did you say to him, though, about the  
22 start time -- about changing the start time?

23 A He did not change it until about three weeks  
24 later, approximately three weeks later.

25 Q I understand that when he did it --

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1 A No, you didn't say it, because --

2 Q No, no. I just want to know what did you say  
3 to him as to what time you would like to start?

4 A After he finally admitted that I was right,  
5 then he asked me what time would I like to start, and I  
6 told him I would like to start at 6:30 in the morning.  
7 But he said, No, it cannot be done, because we have too  
8 many people here then, and then plus all your other --  
9 my TWA friends, they were starting early in the morning.

10 So I took that. And he said, Then what time  
11 would you like to start? I said, It's not 10:00, that's  
12 for sure. I said, How about 8:00? He said, Okay, 8:00  
13 is fine.

14 Q All right. Thank you.

15 After you had this conversation with Mr. Olson,  
16 did you ask him or any other supervisor after that to  
17 change your start time?

18 A What do you mean did I ask anybody else? No.  
19 He changed it.

20 MR. ROESTI: No, no. The question is -- if I  
21 might rephrase it -- after it was established that you  
22 would start at 8:00, did you ask anyone else to start at  
23 6:30?

24 THE WITNESS: No.

25 Is that what you were saying, 6:30?

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1 BY MR. O'BRIEN:

2 Q Or any other earlier time.

3 A No. Because when he told me that there were  
4 too many men coming at that time, which I could see it,  
5 he was right about that part, because we had three TWA  
6 men coming around that time or earlier. I don't  
7 remember what time they were coming. Some was coming in  
8 at 3:30. And he said that it's too many men in the  
9 morning. We need to spread some out.

10 And then when he said that, he said, Well, what  
11 would be reasonable for you? I said, Well, 8:00, since  
12 I can't get the 6:30. And he accepted.

13 Q Have you read the complaint that was filed in  
14 this lawsuit?

15 A Not really.

16 MR. O'BRIEN: Go ahead and mark this as Exhibit  
17 1.

18 (Defendant's Exhibit 1 was marked for  
19 identification by the Court Reporter.)

20 MR. O'BRIEN: This is a complaint.

21 MR. ROESTI: Okay.

22 MR. O'BRIEN: There has not been an amended  
23 complaint filed.

24 BY MR. O'BRIEN:

25 Q Have you read the document that's been marked

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1 record. You can answer it. But it is an extremely  
2 overbroad question, but you may answer it.

3 THE WITNESS: When they came up with this \$2  
4 per bag, that incriminated every one of us minorities  
5 that -- one white worker and all the rest were  
6 minorities, and they will accept anything to keep a job.  
7 So yes.

8 BY MR. O'BRIEN:

9 Q What facts are you aware of that make you  
10 believe that it was done to impact you as a minority?

11 A Well, they did not do it to the bartenders out  
12 there in American Airlines' room. They did not cut  
13 their tips. There is no charge --

14 Q Are you aware of any other facts that suggest  
15 to you that you were treated differently in your  
16 employment at American because of your race?

17 A Yes, that. That's one reason.

18 Q But my question was, are you aware of any other  
19 facts that suggest that this action was taken by  
20 American because of your race?

21 A Age.

22 Q I'm only talking about race.

23 MR. ROESTI: He's only talking about race right  
24 now. Are there any other race questions -- are there  
25 any other actions that --

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1 THE WITNESS: No, I can't say.

2 MR. ROESTI: -- besides race?

3 THE WITNESS: No.

4 BY MR. O'BRIEN:

5 Q Now, your counsel or you just prefaced the next  
6 area of question.

7 Do you believe that any of these actions were  
8 taken by American against you because of your age?

9 A Yes, I do.

10 Q Now I will ask you what facts you are aware of  
11 that suggest to you that these steps were taken due to  
12 your age?

13 MR. ROESTI: Again, I put an objection on the  
14 record.

15 This is an extremely overbroad and ambiguous  
16 question.

17 But subject to that, you may list the facts  
18 that you can presently think of.

19 THE WITNESS: What --

20 MR. ROESTI: I said you may list the facts you  
21 can presently think of without limiting yourself to  
22 other facts that it would be based on age.

23 THE WITNESS: It's the quickest way to get rid  
24 of all the employees at American with -- they are  
25 concerned about money they had to pay out. They've done

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1 this all other the country. Same thing going on at St.  
2 Louis, Boston. They doing the same thing, eliminating  
3 all the fellows who are getting more money than the  
4 contractors get.

5 BY MR. O'BRIEN:

6 Q So the facts you're aware of that suggest to  
7 you that it's because of the age is because this policy  
8 is companywide?

9 A And I take it because -- I say because they  
10 take the money they make from me and pay the contractors  
11 with it.

12 Q This fee applies to the bags checked with the  
13 contractors; correct?

14 A It also applies to them too.

15 Q And I believe you testified earlier today that  
16 the majority of the contract skycaps are over 40 at San  
17 Francisco?

18 A Majority of them, yes.

19 Q Are you aware of any other facts besides what  
20 you've told us that support your belief that any of  
21 these actions were taken against you by American because  
22 of your age?

23 A Trying to get me to sign off, and they were  
24 trying to eliminate me by giving me bad equipment to  
25 work with and not fixing it at least for two or three

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1 A That's what I'm getting ready to say.

2 Q Okay.

3 A All those people you named, the last ones you  
4 named, they've all come here since all this has taken  
5 place within a year. All these different people are all  
6 new within a year except Kathy and Jocelyn. All these  
7 others that you speak about, Mr. -- what's his name? He  
8 was not here when all of this stuff was going on.  
9 Mr.~Bach, Mr. Goshi. And there was another one -- I  
10 can't think of his name -- he's gone on to -- and there  
11 was one -- the only one was Mr. Olson, Ron Olson.

12 So these other people come in. They don't know  
13 anything about what transpires. At least they pretend  
14 they don't. They say they don't.

15 Q My question is a bit different, though,  
16 Mr.~Anderson.

17 My question is, are there any other facts --

18 A Those are facts I'm giving you now.

19 Q Please let me finish the question.

20 Other than what you've already told us, are  
21 there any other facts that any of these actions were  
22 taken by American affecting your employment because of  
23 your age?

24 MR. ROESTI: To be really clear, you don't need  
25 to repeat what you previously said.



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1 THE WITNESS: Okay.

2 MR. ROESTI: If there's something new to add --  
3 that I think he has a right to hear -- that you can  
4 think of as you sit here.

5 THE WITNESS: Nothing -- not other than what I  
6 said, none of the other people, no.

7 BY MR. O'BRIEN:

8 Q Let's go back and look at Exhibit 1 again.

9 MR. ROESTI: Let me talk to my client. There  
10 is no question pending.

11 VIDEOGRAPHER: We are now going off the video  
12 record. The time is 2:24 p.m.

13 (Recess Taken.)

14 VIDEOGRAPHER: We are now back on the video  
15 record. The time is 2:31 p.m.

16 BY MR. O'BRIEN:

17 Q Mr.~Anderson, did you ever file any kind of a  
18 written complaint within American Airlines that you were  
19 being treated differently because of your race?

20 A No, I did not.

21 Q Or because of your age?

22 A No.

23 Q Why not?

24 A The reason I did not is because the guys in  
25 St. Louis told me they had filed and they ignored it and

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1 Q Okay.

2 A Try \$40.

3 MR. ROESTI: I'm confused. Do you mean --

4 MR. O'BRIEN: Why don't you ask him when I'm  
5 done so we can move on.

6 Let's go ahead and mark Exhibit 2.

7 THE WITNESS: Could I say something?

8 MR. O'BRIEN: Let me --

9 THE WITNESS: I say \$40. Should have added 30  
10 that I am not -- I'm not collecting. So that's close to  
11 \$70 total.

12 BY MR. O'BRIEN:

13 Q Then I guess I'm still unclear. Let me be sure  
14 that you understand the question.

15 A Yes.

16 Q What I'm after is, I want to know what you  
17 estimate to be the difference --

18 A Oh, the difference. Okay.

19 Q -- between what you were making on average per  
20 day in tips before the bag charge went into effect  
21 versus what you're making now per day.

22 A \$40, I would say.

23 Q I thought that was it.

24 MR. O'BRIEN: Let's go ahead and mark Exhibit 2  
25 then.

1 Q Have you had a chance to review that?

2 A Yes, I have.

3 Q Is this the document that we've been talking  
4 about that Mr. Olson asked you to sign and that you --

5 A No, it is not.

6 Q Something different altogether?

7 A Yes, it was different.

8 Q Can you describe it at all?

9 A It had a place down here for you to sign.

10 Q This refers --

11 A That was telling -- this is what they showed  
12 us, and then they asked us to sign another paper,  
13 different paper.

14 Q To sign the other paper if you elected to leave  
15 the company?

16 Look at the last paragraph -- or the second to  
17 last paragraph. Let me read it into the record.

18 "Because the restructured position is somewhat  
19 different from your current position, you have the  
20 option to elect layoff. You would be eligible for  
21 regular severance pay as described in the employee  
22 policy guide.

23 If you would like to elect this offer, please  
24 complete the attached form and return it to me no later  
25 than August 15th, 2005. If you choose not to elect

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1     layoff, you will work with your manager to arrange  
2     training and scheduling for transitioning to the  
3     newly-created position."

4             Do you see that language I just read?

5             A    Yes, I see that.

6             Q    Do you know if the reference here to the  
7     attached form is a reference to the paper he had asked  
8     you to sign if you wanted to take that option?

9             A    Yes.

10            Q    Okay. You didn't take that option, obviously?

11            A    No, I didn't.

12            MR. O'BRIEN: Let's go ahead and mark the next  
13     one.

14                     (Defendant's Exhibit 4 was marked for  
15                     identification by the Court Reporter.)

16     BY MR. O'BRIEN:

17            Q    Have you had a chance to look at Exhibit 4,  
18     Mr. ~Anderson?

19            A    Not completely, no.

20            Q    Okay. Take your time.

21            A    Okay. Yes.

22            Q    Have you seen this document before?

23            A    Yes.

24            Q    And this is a notice of the claim on your labor  
25     commissioner claim; right?

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1 Q I think I understand what you're referring to  
2 there.

3 A So skycap itself generates, and it is --

4 Q Do you ask for tips now?

5 A No, I don't ask for them, no. I guess I do  
6 when you ask for that \$2 bag for -- everybody to say, I  
7 thought that was your tip.

8 Q Have you told people no, that's not your tip?

9 A Yeah, I tell them all. I show them on the  
10 thing.

11 Q So they know it's not a tip?

12 A That's after? Some of them say, well, that's  
13 it, that's all I'm giving, which is quite a few of them,  
14 which I can't blame.

15 Q Have you as a result anything that American  
16 Airlines has done gotten any kind of psychiatric or  
17 psychological treatment?

18 A No.

19 Q Mentally, do you feel fine?

20 A No, I don't feel fine. No.

21 Q Can you describe --

22 A I don't sleep at nights because I think about  
23 how I'm going to meet my bills and things. I hardly  
24 make money to get over to San Francisco to work. I have  
25 to take BART.

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1 Q As we sit here today, are you the oldest  
2 employee among the skycaps and contract workers that  
3 handle bags at the curb?

4 A Yes, I am.

5 Q What is your age?

6 A I'm 75 -- I mean 74.

7 Q What is your estimation of the next oldest  
8 person below you?

9 A That's working?

10 Q Yes.

11 A I think he's about 55 or 56, something like  
12 that.

13 Q Did Mr. Olson say or do anything that indicated  
14 to you that his actions which you've described here  
15 today might have been related to race?

16 A No, not race, other than what we just spoke of,  
17 age.

18 Q Now, as we sit here today, how many African  
19 Americans are working in the skycap either as employees  
20 or contract workers for American Airlines?

21 A There's two. There's me and one other guy  
22 named Jack. He works for the contractors.

23 Q And how many employees are there in the -- that  
24 work for the -- in that area of the contract work and  
25 also with you that handle the bags at the curb?

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1 A It's a total amount of two or three shifts.  
2 Well, 13 or 15, I believe, total. I'm not sure.

3 Q Now, when American Airlines contracted with  
4 TWA, to -- I'll use the phrase "take over" TWA employees  
5 to work for American Airlines in the capacity of the  
6 skycap and the baggage handler at the curb, at that  
7 time, how many people were African American?

8 A There were -- skycaps, there were four. There  
9 were six, but two retired.

10 Q Out of the group of how many?

11 A Out of a group of six of us.

12 Q Those are the people that came more from TWA?

13 A Well, I told him six, but I thought about it,  
14 and it was four that actually came over. The other two  
15 retired before they came over.

16 Q And how many people who are African American  
17 were working at TWA in those positions when you joined  
18 TWA -- let me rephrase the question.

19 How many African Americans were working for  
20 American Airlines in those positions, whether as  
21 employees or contracted skycaps, when you joined the  
22 workforce with American Airlines?

23 A I think there were three African Americans.

24 Q About how many out of a total?

25 A 16 or 17 at that time. I don't know.

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1           When is the last time that you brought that  
2           subject up?

3           A    I haven't since he told me that it was only --  
4           there was no six-hour shift. When Mr. Constantine told  
5           me -- Constantine and Ron Olson both told me there were  
6           no six-hour shifts on American Airlines.

7           Q    Prior to your complaint, did you bring that up  
8           with any other agency, like the Fair Labor Relations  
9           Board or the Labor Coalition?

10          A    I don't remember exactly if I did or not.

11          Q    And then Mr. Bach, did he ever indicate in any  
12          way to you that either adverse actions he took or the  
13          continuation of adverse actions might be related in any  
14          way to age discrimination or age?

15               MR. O'BRIEN: Objection, leading.

16               THE WITNESS: No, he did not.

17          BY MR. ROESTI:

18          Q    So did you see anything in his conduct or words  
19          that indicated that any adverse actions against you or  
20          the continuation of adverse actions was related to  
21          racial discrimination?

22          A    I hardly ever seen him, so we had no  
23          discussions after we won. We spoke when I seen him.  
24          That was it.

25          Q    Do you have any evidence to indicate that the



## **EXHIBIT “B”**

# American Airlines®

December 20, 2001

Edward Anderson  
SFO

On behalf of American Airlines Customer Services Department, we are pleased to offer you the Level 50 position of Skycap at an hourly pay rate of \$10.45. This position is located in SFO and we would like you to begin work on January 1, 2002.

Please be advised that while Skycaps at TWA are Passenger Service Employees, this function is performed at AA by non-agent support staff employees. If you accept employment with AA as a Skycap, you will no longer be an agent or have recall rights to an agent position.

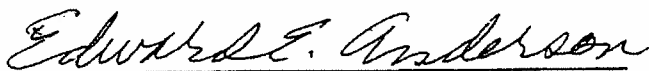
If you choose not to accept the above position or do not report for work when advised, you will have no status with AA. Please sign below to indicate your acceptance of this offer, and return it to your supervisor.

We believe that this position will offer you a challenging opportunity and will be both personally and professionally rewarding. All of us at American Airlines look forward to welcoming you aboard and to working with you!

Sincerely,



Daniel P. Garton  
Executive Vice President  
Customer Services



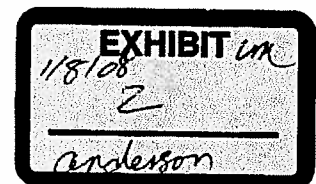
Acceptance Signature

12-20-01

Date

Copies to: Corp. Personnel File  
Local Dept. Personnel file

SKYCAP



## **EXHIBIT “C”**

6/8/07 9:40 AM

SUM-100

# SUMMONS (CITACION JUDICIAL)

## NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

AMR The parent of AMERICAN AIRLINES INC, AMERICAN AIRLINES, and DOES 1 through 5 INCLUSIVE.

## YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

EDWARD E. ANDERSON

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.*

The name and address of the court is:

(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, SAN FRANCISCO  
400 McAllister Street  
SAN FRANCISCO, CA 94102

CASE NUMBER  
(Número del Caso):

CCC07-459441

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

EDWARD E. ANDERSON 510-825-2549  
801 GALWAY DR #9 SAN LEANDRO, CA 94580

DATE: JAN 9 2007  
(Fecha)

GORDON PARK-I  
Clerk, by  
(Secretario)

CRISTINA E. BAUTISTA, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

## NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify): American Airlines, Inc.  
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date):

Page 1 of 1

**EXHIBIT “D”**

EEOC Form 5 (5/01)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

550-2006-00113

**California Department of Fair Employment and Housing**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Mr. Edward Anderson**

Home Phone No. (Incl Area Code)

**(510) 825-2549**

Date of Birth

**04-09-1933**

Street Address

City, State and ZIP Code

**801 Galway Dr., #9, San Lorenzo, CA 94580**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**AMERICAN AIRLINES**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

**S. Francisco International Airport, , CA 94128**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE    ☐ COLOR    ☐ SEX    ☐ RELIGION    ☐ NATIONAL ORIGIN  
☐ RETALIATION    ☒ AGE    ☐ DISABILITY    ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**01-24-2006**☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired by the Respondent on May 25, 1978. My job title is Skycap. From August 2005 to the present, I was harassed. For example, my Supervisor, Ron Olson, Customer Service Manager, Jocelyn Javier, and Station Manager, Phil Bock, demanded me to sign a letter stating that I will accept different terms of employment or leave. From August 2005 to the present, I was subjected to disparate treatment. For example, my Supervisor, Ron Olson, Customer Service Manager, Jocelyn Javier, and Station Manager, Phil Bock, moved me to a different job location away from my co-workers and did not issue me the proper equipments to do my job.

Respondent did not provide a reason for the discriminatory acts.

I believe I have been discriminated against because of my race (Black), in violation of Title VII of the Civil Rights Act of 1964, as amended. I further believe that I have been discriminated against because of my age (72), in violation of Age Discrimination in Employment Act 1967, as amended.

RECEIVED  
 JAN 27 2006  
 BY: SAN FRANCISCO DISTRICT OFFICE  
 RECEIVED  
 JAN 24 2006  
 EEOC-SFDO

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
 (month, day, year)

1-24-06 Edward E. Anderson  
 Date Charging Party Signature